

FILED

OCT 21 2005

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

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Attorneys for Defendant
PIER 1 IMPORTS (U.S.), INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

BYRON CHAPMAN,

Plaintiffs,

v.

PIER 1 IMPORTS (U.S.) INC. dba PIER 1
IMPORTS #1132; R/M VACAVILLE LTD.;
and DOES 1 through 10,,

Defendants.

Case No. CIV.S.04-1339 LKK DAD

**STIPULATION AND [PROPOSED]
ORDER**

Complaint Filed: July 13, 2004
Honorable Lawrence K. Karlton

WHEREAS, Plaintiff Byron Chapman ("Plaintiff") and Defendant R/M Vacaville LTD. ("R/M Vacaville") entered into a stipulation on September 12, 2005 ("Stipulation") dismissing with prejudice all claims related to or associated with the common areas and the exterior of the building located on Harbison Drive, Vacaville, California and limiting the outstanding litigation between Plaintiff and Defendant Pier 1 Imports (U.S.), Inc. ("Pier 1") to the interior of the Pier 1 store located on Harbison Drive in Vacaville, California;

Received: TRAINOR ROBERTSON Fax: 916-929-7111 Oct 17 2005 01:02PM 003/003
OCT-13-2005 08:35 FROM: LAW OFFICE L. HUBBARD 538 894 8244 TO: 916 929 7111 P.3/3
TRAINOR ROBERTSON Fax: 916-929-7111 Oct 17 2005 08:35AM HUBBARD

1 WHEREAS, this Court entered an order in accordance with the Stipulation on September 13,
2 2005 (the "Order"); and

3 WHEREAS, the Stipulation and the Order inadvertently included language stating that Pier 1
4 would not file any actions or cross actions related to or associated with this matter against R/M
5 Vacaville, although Pier 1 was not a party to the stipulation and did not agree to this term.

6 THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff, R/M Vacaville and
7 Pier 1 that the phrase "and that PIER 1 IMPORTS shall not file any actions or cross-actions against
8 R/M Vacaville LTD related to or associated with this matter" shall be stricken from the Stipulation and
9 the Court's order, and that Pier 1 expressly reserves its right to file an action or cross-action against
10 R/M Vacaville related to or in connection with the above-captioned matter.

11 IT IS SO STIPULATED.

12 Dated: September 13, 2005


LAW OFFICES OF LYNN HUBBARD

13
14 By: 
15 Lynn Hubbard

16 Attorneys for Plaintiff
BYRON CHAPMAN

17 Dated: September __, 2005

AKIN GUMP STRAUSS HAUER & FIELD LLP

18
19 By: 
20 Heather Burror

21 Attorneys for Defendant
PIER 1 IMPORTS (U.S.), INC.
22 TRAINOR ROBERTSON

23 Dated: September 14, 2005

24 By: 
25 Daniel Steinberg

26 Attorneys for Defendant
R/M VACAVILLE LTD.

1 **WHEREAS**, this Court entered an order in accordance with the Stipulation on September 13,
2 2005 (the "Order"); and

3 **WHEREAS**, the Stipulation and the Order inadvertently included language stating that Pier 1
4 would not file any actions or cross actions related to or associated with this matter against R/M
5 Vacaville, although Pier 1 was not a party to the stipulation and did not agree to this term.

6 **THEREFORE, IT IS HEREBY STIPULATED** by and between Plaintiff, R/M Vacaville and
7 Pier 1 that the phrase "and that PIER 1 IMPORTS shall not file any actions or cross-actions against
8 R/M Vacaville LTD related to or associated with this matter" shall be stricken from the Stipulation and
9 the Court's order, and that Pier 1 expressly reserves its right to file an action or cross-action against
10 R/M Vacaville related to or in connection with the above-captioned matter.

11 **IT IS SO STIPULATED.**

12 Dated: September __, 2005

LAW OFFICES OF LYNN HUBBARD

13
14 By: _____
Lynn Hubbard

15
16 Attorneys for Plaintiff
BYRON CHAPMAN

17 Dated: ^{October}~~September~~ 17, 2005

AKIN GUMP STRAUSS HAUER & FELD LLP

18
19 By:  _____
Heather Burror

20
21 Attorneys for Defendant
PIER 1 IMPORTS (U.S.), INC.
22 TRAINOR ROBERTSON

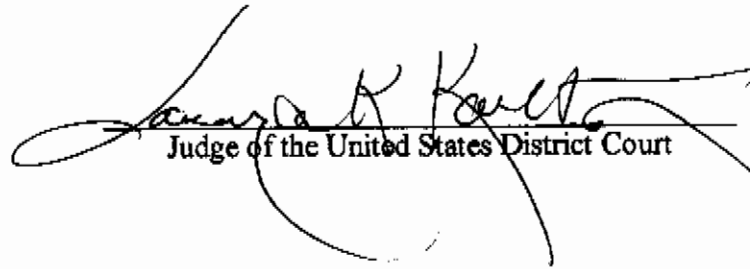
23 Dated: September __, 2005

24 By: _____
Daniel Steinberg

25
26 Attorneys for Defendant
R/M VACAVILLE LTD.

1
2 **IT IS SO ORDERED.**

3 Dated: 10/17/05

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Judge of the United States District Court